

RECEIVED  
CENTRAL FAX CENTER  
APR 23 2008

Serial No. 10/534,516

- 5 -

REMARKS

The Examiner has requested that the title be changed to "Sock Having Achilles Tendon Protection". Please note that this change was made in the last Amendment.

Claim 1 has been amended to more particularly point out and distinctly claim the present invention. Further, Claim 1 has been amended to overcome the indefiniteness rejection.

As amended, Claim 1 now recites that the sock includes a cuff portion and a heel portion, as well as an inner surface facing the wearer's foot and an outer surface exposed to the environment.

Additionally, Claim 1 sets forth that the spacer cushion pads are constructed and arranged in the anatomical shape of the foot in the area of the Achilles tendon and extend from the area of the heel portion toward the cuff portion. Claims 2, 6, 9, 11, 13, 16 and 20 have been cancelled.

Claims 1, 3-5, 7, 8, 10, 12, 14, 15, 17, 18 and 19 remain for consideration.

Claims 1, 3, 6, 11 and 12 were rejected in the last Office Action as being anticipated by Haanen (DE 25 47 809). As amended, Claim 1 patentably distinguishes over Haanen. The stocking of Haanen has cylindrical fitted cushions 2, 3 positioned in packets on the inner wall of the sock facing the wearer's foot. These cushions or pads fill the depression between the ankle bone and the Achilles tendon. The two spacer cushion pads 24, 25 of the present invention are designed in such a manner that they stand out distinctly relative to the transition piece 26, as described in paragraph 15 and shown in Figure 2. Therefore, the two spacer cushion pads 24, 25 of the present invention stand out relative to the Achilles tendon, whereas pads 2, 3 of Haanen are intended to fill the depression besides the Achilles tendon to create a regular surface.

The sock of Haanen differs significantly from that defined in Claims 1, 3, and 12, structurally and functionally. Claims 3 and 12 are dependent claims that are based upon Claim 1

Serial No. 10/534,516

- 6 -

and should be allowed together with Claim 1 for the reasons noted. Claims 1, 3, and 12 are patentable and should be allowed.

Claims 4, 5, 7, 8, 10, 13-15, and 17-19 were previously rejected as being unpatentable over Haanen in view of Lambertz. Applicant submits that present claims 4, 5, 7, 8, 10, 14, 15, and 17-19 are patentable over the combination of Haanen and Lambertz. The deficiencies of Haanen have been noted above with respect to claim 1. Each of claims 4, 5, 7, 8, 10, 14, 15 and 17-19 are dependent upon or based upon claim 1. Haanen fails to teach the combination in a sock of two spacer cushion pads and a transition piece, constructed and arranged such that the spacer cushion pads stand out distinctly relative to the transition piece. There is no suggestion in Haanen that the spacer cushion pads extend outwardly from the outer surface of the sock, the outer surface being the surface of the sock facing the wearer's shoe. The Examiner recognizes in paragraph 7 of the last Office Action that Haanen "fails to disclose any additional features of the sock or the padding." The Examiner looks to Lambertz to supply the various missing features claimed. However, the noted deficiencies of Haanen are not remedied by the disclosure of Lambertz. The combination of Haanen and Lambertz proposed by the Examiner would not result in the sock defined in Claim 1. Lambertz provides only one pad. The combination of the fair teachings of Haanen and Lambertz would not provide a sock having two pads besides the Achilles tendon, which are directed from the outer surface towards the wearer's shoe and stand out from the outer surface of the sock. The present invention achieves a distance between the Achilles tendon and the shoe, as described in paragraph [0006], wherein rubbing and sliding stresses can be kept away from the Achilles tendon. Though relatively simple, the applicant's sock is a carefully engineered product that provides significant advantages for the user. Claims

RECEIVED  
CENTRAL FAX CENTER

APR 23 2008

Serial No. 10/534,516

- 7 -

4, 5, 7, 8, 10, 14, 15, 17, 18 and 19 are patentable over the combination of Haanen and Lambertz proposed by the Examiner and should be allowed.

Two Patent Offices have now recognized the inventive step of the present invention. Applicant has been granted a patent by the Chinese Patent Office. A copy of the Certificate of Patent is enclosed. Further, the European Patent Office (EPO) has decided to grant a Patent. A copy of the notification from the EPO is enclosed, together with a translation of the claims allowed by the EPO. Counsel has been informed that both the Chinese Patent Office and the EPO examined the respective applications having the same prior art as considered by the Examiner, especially, Haanen, Lambertz and Etienne.

Favorable reconsideration and allowance of this application are solicited.

Respectfully submitted,

Date: April 23, 2008

By: 

Seymour Rothstein  
(Reg. No. 19,369)

OLSON & CEPURITIS, LTD.  
20 North Wacker Drive, 36th Floor  
Chicago, IL 60606  
(312) 580-1180